

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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<https://oversight.house.gov>

May 4, 2023

The Honorable Michael S. Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Regan,

The Committee on Oversight and Accountability is investigating the Environmental Protection Agency's (EPA) administration of research grants and post-award disclosures of foreign support and influence. On April 13, 2023, the EPA Office of Inspector General (OIG) issued a memorandum identifying a loophole within the existing reporting system. Grant applicants are required to disclose current and pending research support—including by foreign sources possibly seeking to improperly influence researchers or gain access to scientific discoveries—during the application process. EPA, however, does not require disclosure of foreign support received *after* a grant has been awarded.¹ This practice is not consistent with other government agencies administering federal research funds, and raises questions of whether foreign contributions are being used after an initial award to influence or obtain access to EPA's federally funded research.² The Committee requests documents and information, as well as a staff-level briefing, related to EPA's processes for administering grants and how EPA plans to ensure it is aware of potential foreign influence in its federally funded awards.

The National Defense Authorization Act (NDAA) for Fiscal Year 2021 required federal agencies administering research funds to require that applicants make certain disclosures related to other research support.³ Since that law went into effect, various agencies have taken action to improve disclosure requirements on all resources. For example, one agency modified its grant policy by requiring disclosure of "all resources or financial support from a foreign or domestic entity" in addition to yearly progress reports detailing any new support received since the grant award and prior to the release of further grant funds.⁴ The agency also implemented a policy requiring grant recipients to immediately notify the agency in the event of any changes in support, adding an additional layer of oversight to prevent conflicts of interest.⁵ Further, the National Science Foundation and the National Aeronautics and Space Administration have also

¹ Memo from Jason Abend, Asst. Inspector General, Office of Investigations, EPA, to Dr. Chris Frey, Asst. Admin. and Science Advisor, Office of Research and Development, EPA (April 13, 2023).

² *Id.*

³ William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, Pub. L. 116-283 § 223.

⁴ *Supra*, n.1.

⁵ *Id.*

taken steps to implement policies and new reporting requirements to reduce conflicts of interest and foreign interference.⁶

However, EPA has not taken similar action to ensure accurate reporting on other sources of research support, including by foreign entities. EPA OIG has identified at least one grant recipient affiliated with a university who received foreign support during a federal grant's period of performance that was not disclosed. The grant agreement did not include a requirement to disclose to EPA any foreign support subsequent to issuance of the grant.⁷ EPA must evaluate its application process and explore requiring additional disclosures during the post-award stage to avoid financial and nonfinancial conflicts, especially those involving foreign sources of research support.

To assist the Committee in understanding what EPA is doing to respond to the vulnerabilities identified in the EPA OIG's April 13, 2023 memorandum related to foreign influence in federal research grants, please provide the following documents and information, for the time period January 1, 2021 to the present unless otherwise indicated, no later than May 18, 2023:

1. All documents and communications referring or related to EPA OIG's April 13, 2023 memorandum entitled *Management Implication Report: Disclosure of Foreign Support for EPA Research Grants*;
2. All documents and communications referring or related to grant recipient disclosure requirements related to foreign support of federally funded research;
3. All documents and communications referring or related to the "*Presidential Memorandum on the United States Government-Supported Research and Development National Security Policy*" issued on January 14, 2021; and
4. All documents and communications referring or related to EPA's compliance with Section 223 of the NDAA for Fiscal Year 2021.

Additionally, please make arrangements to schedule a briefing with Committee staff on this matter as soon as possible, but no later than May 11, 2023.

To arrange for delivery of responsive documents, to schedule the briefing, or to ask any related follow-up questions, please contact the Committee on Oversight and Accountability Majority staff at 202-225-5074. Attached are instructions for producing the documents and information to the Committee.

⁶ *Id.*

⁷ *Id.*

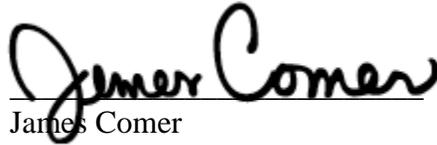
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The Committee on Oversight and Accountability is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate, “any matter” at “any time” under House Rule X. Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in black ink that reads "James Comer". The signature is written in a cursive style with a horizontal line underneath the name.

James Comer

Chairman

Committee on Oversight and Accountability

cc: The Honorable Jamie B. Raskin, Ranking Member
Committee on Oversight and Accountability